

R277-109 RECEIVED FINAL APPROVAL BY THE UTAH STATE BOARD OF EDUCATION ON AUGUST 5, 2011. THE NEW RULE IS SCHEDULED TO BE PUBLISHED IN THE SEPTEMBER 1, 2011 UTAH STATE BULLETIN, SUBJECT TO A 30-DAY COMMENT PERIOD, WITH A FIRST POSSIBLE EFFECTIVE DATE OF OCTOBER 10, 2011.

R277. Education, Administration.

R277-109. Legislative Reporting and Accountability.

R277-109-1. Definitions.

A. "Board" means the Utah State Board of Education.

B. "LEA" means school districts, charter schools and other public education entities over which the Board has state constitutional authority.

C. "Legislative statute or directive" means a statute in the Utah Code or legislative intent as documented by legislative records.

D. "Minimum school program funds (MSP funds)" means the total of state and local funds appropriated for the Minimum School Program to support educational activities in all grades Kindergarten through 12th grade, including the Basic State-Supported School Program, Related to Basic Program, the State-Supported Voted and Board Leeway Levy Programs, and other programs or allocations appropriated by the Legislature in 53A-17a, the Minimum School Program Act.

E. "Superintendent" means the State Superintendent of Public Instruction who is directed to administer all programs assigned to the Board under Section 53A-1-301(1) (c).

R277-109-2. Authority and Purpose.

A. This rule is authorized by Utah Constitution Article X, Section 3 which vests general control and supervision of the public education system in the Board, by Section 53A-1-402(1) which directs the Board to establish rules and minimum standards for the public schools, by Section 53A-1-401(1)(a) which gives the Board general control and supervision of the state's public education system for adoption and enforcement of rules, by Section 53A-1-401(3) which allows the Board to adopt rules in accordance with its responsibilities under the constitution and state laws, and allows the Board to interrupt disbursements of state aid to any district which fails to comply with rules adopted in accordance with 53A-1-401(3).

B. The purpose of this rule is to require the Superintendent to create data collection plans necessary as determined by the Superintendent to fulfill statutory or Board reporting requirements and to require LEAs to submit data upon request to the Superintendent. The rule provides that LEA participation in Minimum School Program funding is conditioned upon LEAs providing complete and accurate data and information to the Superintendent and the Board.

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R277-109-3. State Board of Education Direction to State Superintendent and LEA Appeal Process.

A. The Board expects the Superintendent, in consultation with LEAs, to collect data or prepare data collection reports or plans, as the Board directs or as the Superintendent deems necessary, to fulfill statutory or Board reporting requirements.

B. The Superintendent is authorized by the Board to assist LEAs to fulfill reporting requests and to complete accountability or reporting plans. The Superintendent's authority extends to sanctioning LEAs, if necessary, for failure to provide required data or reports, up to and including, withholding MSP funds for an LEA's failure to provide complete and accurate data or reports as requested.

C. The Superintendent or USOE staff, as authorized by the Superintendent, shall provide adequate notice to LEAs of reporting requirements and procedures for providing data in requested formats.

D. If an LEA does not comply with a data program request or requirement, the Superintendent shall provide adequate and timely notice to the LEA that data was not submitted accurately and completely and LEA has 30 days to respond to the Superintendent's request for data or a required data report.

E. The Superintendent may impose sanctions for noncompliance up to and including the withholding of MSP funds directly related to the data collection or reporting requirement. The Superintendent may withhold the program funds related to the requested data report or reporting requirement beginning with the next MSP transfer or beginning with subsequent MSP transfers including MSP funding for a subsequent fiscal year.

F. An LEA may appeal to the Board in writing the superintendent's decision to withhold program funds within 10 calendar days.

G. The Board shall respond to the LEA within 30 calendar days.

H. The Board's response is the final administrative action.

KEY: reporting, accountability

Date of Enactment or Last Substantive Amendment: 2011

authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53A-1-402(1); 53A-1-401(1)(a); 53A-1-401(3)